

From: [Doyle, James](#)
To: [Kivowitz, Sharon](#)
Cc: [Mannino, Pietro](#); [LaPoma, Jennifer](#)
Subject: FW: Utility - 700 Main Street
Date: Tuesday, January 20, 2015 12:05:54 PM
Attachments: [removed.txt](#)

Here is what I was calling you about, Pete, on Friday.

From: Miriam Villani [mailto:mwillani@swcblaw.com]
Sent: Friday, January 16, 2015 3:10 PM
To: Doyle, James
Subject: Utility - 700 Main Street

Hi Jim. Thanks for getting back to me. My clients, Utility and Nest Equities, are located at 700 Main Street.

Here is my recollection of the history of the plume separation issue: DEC had initially broken up the NCIA into sections. The sections were defined by street boundaries. See the March 2008 ROD for Utility. In other words, they were arbitrary and not defined by data related to specific plumes. (Much like the arbitrary decision to cut off the NCIA site at the Wantagh Parkway possibly with the idea that the Parkway went down to the center of the Earth and acted as a contamination barrier.) My clients were placed in the eastern section, also called the eastern plume, as a result of that arbitrary definition process. At some point, DEC treated my clients as part of the central plume for purposes of settlement discussions. The Frost Street parties and their tenants were treated as the eastern plume. The upgradient parties were sometimes included in the eastern plume as well, when they weren't being treated separately because they were upgradient of the Wantagh Parkway.

In terms of the data, which has been depicted in figures included in the ROD, my clients are not a part of any of the three mapped plumes in the EPA OU-1 site area. There is a data-defined plume to the east of my clients' site (the eastern plume), and a data-defined plume to the west of my clients' site (the central plume). There is presently no plume under or emanating from my clients' site. In fact, the groundwater remedy selected in the DEC's ROD for Utility did not include the operation of an off-site groundwater treatment system. There is a big geographical space separating my clients' site from any of the mapped downgradient contaminant hotspots. Several historical industrial sites are between my clients' site and the closest downgradient hotspot. This is my simple interpretation of the data that is the result of DEC's Utility off-site study. My clients' consultant can provide a more detailed and accurate analysis, if necessary.

Please take a careful look at the data over the years of studies, and provide an explanation for including my clients in the eastern plume. While you are at it, please provide a data-supported explanation for including my client in any plume.

Thank you. Enjoy the long weekend.

Regards, M

Miriam E. Villani, Esq.

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